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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/992,818 | 11/14/2001 | Bryan Jeffery Moles | SAMS01-00153 | 5813 |

7590

06/19/2006

Docket Clerk
P.O. Drawer 800889
Dallas, TX 75380

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| EXAMINER |
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PHAM, TUAN

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| ART UNIT | PAPER NUMBER |
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2618

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|------------------------------|--|
| Office Action Summary | Application No. 09/992,818 | Applicant(s) MOLES ET AL. | |
| | Examiner TUAN A. PHAM | Art Unit 2618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 10-15, 17-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10, 12-15, 17-19, 21, 23 and 25 is/are rejected.
- 7) ☒ Claim(s) 11, 22, 24, and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Pre Appeal Brief, filed on 03/06/2006, with respect to the rejection(s) of claim(s) 1-4, 6-8, 10, 12-15, 17-19, 21, 23, and 25 under 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is based on the remark filed on 09/23/2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4, 6-8, 10, 12-15, 17-19, 21, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez (Pub. No.: U.S. 2002/0142792) in view of Westfield (U.S. Patent No.: 6,907,254) and further in view of Kalavade et al. (U.S. Pub. No.: 2003/0051041, hereinafter, "Kalavade").

Regarding claims 1, 3, 7, 12, 14, and 18, Martinez teaches a wireless communications system and method, a system for automatically customizing operation of a wireless device comprising (see figure 1):

the wireless devices (see figure 1, mobile 10) upon detecting the behavior service upon entering the service area (the mobile phone detect the service of private network when it enter) automatically sets operation of the wireless device to conform to the behavior defined by the behavior service and associated user preferences (see figure 1, private network 120, user preference such as vibrate mode, col.2, [0021-0025]), and upon detecting unavailability of the behavior service following previous availability of the behavior service (see figure 1, mobile 10 detected public network 110 after working hours, col.2, [0023-0025]), automatically restores operation of the wireless device to a state existing prior to automatic setting of the operation of the wireless device to conform to the behavior and associated user preferences (see figure 1, mobile 10 is detected public network 110 after working hours and the mobile 10 will go back to non working mode, col.2, [0023-0025]).

It should be noticed that Martinez fails to teach a small area transmitter supporting wireless connectivity with wireless devices and a behavior service defining behavior of wireless devices within a service area for the small area transmitter, and the

mobile phone receiving a IP message from the small area transmitter. However, Westfield teaches a small area transmitter (see figure 1B, base station 21 is included a transmitter) supporting wireless connectivity with wireless devices (see figure 3A, IP phone 330) and a behavior service defining behavior of wireless devices within a service area for the small area transmitter (see figure 3A, col.6, ln.3-42), and the mobile phone receiving a IP message from the small area transmitter (see col.2, ln.29-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Westfield into view of Martinez in order to prevent RF interference to sensitive devices as suggested by Westfield at col.7, ln.1-6.

Martinez and Westfield, in combination, fails to teach a behavior set. However, Kalavade teaches a behavior set (read on the IP messages which is included an attribute value pairs, [0063]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kalavade into view of Martinez and Westfield in order to prevent RF interference to sensitive devices as suggested by Westfield at col.7, ln.1-6.

Regarding claims 2, 4, 8, 13, 15, and 19, Kalavade further teaches a set of attribute-value pairs (see [0063]).

Regarding claims 6, 10, 17, 21, 23, and 25, Martinez further teaches the system and method wherein the behavior service becomes unavailable as a result of the wireless device leaving the service area of the small area transmitter (see figure 1,

mobile 10 is detected public network 110 after working hours and the mobile 10 will go back to non working mode, col.2, [0023-0025]).

Allowable Subject Matter

4. Claims 11, 22, 24, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

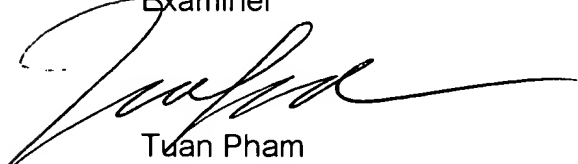
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2618
June 13, 2006
Examiner



Tuan Pham

Supervisory Patent Examiner
Technology Center 2600



Matthew Anderson